

Board of Control shall remove all occupants of all committee rooms in the Capitol and keep them free for Legislative work. Provided, however, that the allocation of any space affecting the quarters of either House of the Legislature, must have the approval of the Speaker of the House of Representatives or the Lieutenant Governor, the approval being for the quarters allocated to the particular House affected.

Sec. 1a. The State Board of Control is hereby authorized and empowered to make such arrangements at it may deem necessary for the safe storage outside the Capitol building of such records and archives as now prevent the better utilization of space in said Building.

Sec. 2. The increasing need of many departments for additional space in which to discharge the work of the State, and the immediate necessity for conserving all available space in the State buildings, and the lack of adequate authority on the part of the State Board of Control to effect such purposes, creates an emergency and an imperative public necessity that the Constitutional rule which requires that bills be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
March 19, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Thomason.
Martin.	Westbrook.

Williamson.
Wirtz

Woodul.
Woodward.

Absent—Excused.

Beck.

Witt.

Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills Signed.

The Chair, President Pro Tem Williamson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 87.	S. B. No. 54.
S. B. No. 94.	H. B. No. 158.
S. B. No. 96.	H. B. No. 10.
S. B. No. 92.	

Senator Excused.

On motion of Senator Wirtz Senator Stevenson was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 103, A bill to be entitled "An Act amending Chapter 91 of the General and Special Laws of Texas of 1927 of the First Called Session of the Fortieth Legislature, entitled 'An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having

a population of 36,750 to 37,550 according to the Federal census of 1920, and a scholastic population of at least 9,000 as shown by the scholastic census report for the school year of 1926-27, and declaring an emergency,' so as to provide for the payment of expenses of said rural school supervisor, and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act to amend Section Six (6) of Chapter 21, of 'An Act to amend Article 3221 of Chapter 3, Title 51, of the Revised Statutes of Texas of 1925, so as to change the name of the Deaf, Dumb and Blind Asylum for Colored Youths to the Deaf, Dumb and Blind Asylum for Colored Youths and Colored Orphans; authorizing the State Board of Control to adopt rules and regulations for the admission, government and discharge of orphan applicants to said institutions,' and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 31, A bill to be entitled "An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Free Conference Committee on S. B. No. 53. The following are conferees on the part of the House: Hornaday, Dunlap, Sanders, Petsch, Finlay.

Mr. Bateman has been named to take the place of Mr. Metcalfe on

the Conference Committee on H. B. No. 12.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 58 by a vote of 103 yeas and 2 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 84, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government as named herein for the balance of the present fiscal year and for the fiscal year ending August 31, 1931, and declaring an emergency."

With amendments.
Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 6.

Senator Woodward called up the Free Conference Committee report on H. B. No. 6.

Senator Woodward moved to adopt the report.

Senator Wirtz moved as a substitute not to concur in the report. The motion was lost by the following vote:

Yeas—8.

Holbrook.	Patton.
Miller.	Russek.
Moore.	Wirtz.
Parr.	Woodul.

Nays—20.

Berkeley.	DeBerry.
Cousins.	Gainer.
Cunningham.	Greer.

Hardin.	Parrish.
Hornsby.	Pollard.
Hyer.	Small.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Neal.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

The report was adopted.

Reason for Vote.

On adoption of the Free Conference report on H. B. No. 6 I voted against the motion to refuse to adopt the report and then voted for the adoption of the report. However, I believe this tax should have been levied on the compresses rather than on the gin as compresses weigh cotton for profit and further that the cotton raiser has to take the compress weights in the final analysis. Gins, however, with few exceptions, do not weigh cotton for profit.

However, I know we need better supervision of cotton weights, therefore I voted for the bill realizing we could not get it at this time by any other method.

DeBERRY.

Simple Resolution No. 27.

Senator Holbrook sent up the following resolution:

Whereas, It is reported in the press that whereas the President of the United States has recently nominated a negro judge to serve in the District of Columbia, and

Whereas, This move on the part of the President has brought into the limelight the whole question of Federal patronage in the nation, and

Whereas, This nomination is inimical to the peace and harmony existing between the races in the South, now therefore be it

Resolved by the Senate of Texas, That the so-called Brookhart Committee of the United States Senate be requested to give attention to and make a report to the United States Senate on conditions affecting Federal patronage in the nation at this time, to the end that decency and decorum be preserved in the conduct of the government.

HOLBROOK.

Read and adopted.

Senate Bill No. 57.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 57, A bill to be entitled "An Act to grant and sell to S. E. Damon certain land with reservation to the State of an interest in the minerals therein; providing terms of sale and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read no three several days was suspended and S. B. No. 57 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

House Bills Referred.

H. B. No. 103, referred to Committee on Educational Affairs.

H. B. No. 154, referred to Committee on State Affairs.

Simple Resolution No. 30.

Senator Pollard sent up the following resolution:

Whereas, El Doctor Iguanio Garcia Telly, President of the University of Mexico, is within the presence of the Senate; and,

Whereas, The State of Texas is glad to welcome such a distinguished visitor from our most cordial sister republic and appreciates the friendly feeling existing between the two leading North American republics; now therefore be it

Resolved by the Senate of Texas That Doctor Telly be given the privileges of the Senate and be invited to address the Senate.

Pollard, Miller, Gainer, Parr, Russek, Hornsby.

Read and adopted.

Motion on H. B. No. 2.

Senator Thomason sent up the following motion:

I move that the conferees on the part of the Senate on H. B. No. 2, being the Sulphur Bill, be discharged and that the President of the Senate be authorized to appoint a new committee on the part of the Senate.

THOMASON.

The motion was read.

Senator Holbrook sent up the following amendment:

Amend the resolution by adding thereto the following: "Provided that the conferees on the part of the Senate shall not be considered discharged, or a new committee appointed unless and until a new committee be appointed on the part of the House."

WIRTZ,
HOLBROOK,

The amendment was read.

Recess.

Senator Russek moved to recess until 2:30 o'clock.

Senator Love moved to recess until 2 o'clock.

The motion to recess until 2:30 was lost by the following vote:

Yeas—12.

Berkeley.	Martin.
Cousins.	Miller.
Cunningham.	Moore.
Hardin.	Parr.
Holbrook.	Pollard.
Hyer.	Russek.

Nays—13.

DeBerry.	Patton.
Gainer.	Thomason.
Greer.	Williamson.
Hornsby.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.
Parrish.	

Absent.

Neal.	Westbrook.
Small.	

Absent—Excused.

Beck.	Witt.
Stevenson.	

The motion to recess until 2 prevailed and at 12:07 o'clock the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Williamson.

At Ease.

On motion of Senator Moore the Senate stood at ease for fifteen minutes.

Senate Bill No. 90.

The Chair laid before the Senate on its second reading the following bill:

By Senator Miller:

S. B. No. 90, A bill to be entitled "An Act to amend an Act passed at the Second Called Session of the Forty-first Legislature known as Senate Bill No. 138, filed in the office of the Secretary of State on June 24, 1929, being Chapter 73 of the General Laws of the State of Texas passed by the Forty-first Legislature at its Second Called Session; authorizing the Board of Regents of the College of Industrial Arts to erect and equip and make contracts for the erection and equipping of

dormitories and other improvements on the campus or other real additional real estate purchased or leased for the purpose, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Miller the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

Message From the Governor

The Chair recognized the Doorkeeper, who introduced a messenger

from the Governor with the following message:

Executive Department,
Austin, Texas, March 19, 1930.

To the Senate:

Subject to your confirmation I appoint the persons whose names are hereto attached as emergency notaries public:

Presidio County.

A. W. Johnson	Presidio
W. M. Johnson	Presidio

Respectfully submitted,
(Signed) DAN MOODY,
Governor.

Read and referred to the Committee on Governor's Nominations.

Senor Telly Speaks.

In accordance with Simple Resolution No. 30, the Chair appointed Senators Pollard, Miller and Neal to escort El Doctor Telley, President of the National University of Mexico, to the platform.

The Chair introduced Dr. H. Y. Benedict, President of the University of Texas, who introduced Dr. Telley and Senor Del Rio, interpreter.

Dr. Telley briefly addressed the Senate, Senor Del Rio interpreting.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following bill:

H. B. No. 10,000.

AN ACT

Appropriating 10,000 pounds of barbecue, 10,000 pints of strawberries, supplemented with pure cow cream, to feed 10,000 visitors at the Winter Garden District Strawberry Festival at Carrizo Springs, on April 5, 1930, and declaring an emergency.

Be it enacted by those interested:

Section 1. The Mayor of Carrizo Springs tenders to the members of the Legislature of the State of Texas, and all State officials and families, an urgent invitation to be his guests at the Winter Garden District Strawberry Festival at Carrizo Springs, on Saturday, April 5, 1930. The occa-

sion starts at 10 a. m., with a huge parade by the different towns and communities of Southwest Texas, showing in unique form the products of that section; following which there will be a baseball game, the eats and then one of the biggest rodeos ever staged.

Sec. 2. Any guest may visit any neighboring town or territory and may desire to perform the usual courtesy, quasi-governmental functions of a plenipotentiary extraordinary to our Sister Republic, just across the border, and perchance, who knows, may find a revival of good spirits and good fellowship.

Sec. 3. The fact that the close of the session is at hand and the celebration above mentioned is only a few days off and the importance of the whole situation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

Speaker of the House.

President Pro Tem of Senate.

I hereby certify that H. B. No. 10,000 was passed unanimously, after the suspension of all rules, by a rising vote.

Chief Clerk of the House.

Secretary of the Senate.

Read and unanimously adopted.

Simple Resolution No. 31.

Senator Woodward sent up the following resolution:

Whereas, during the recess of this Special Session of the Legislature and the convening of the Regular Session of the Forty-second Legislature, the committee rooms of the Senate are likely to be occupied by State boards, commissions and the employees thereof; and,

Whereas, Many ladies are likely to be among the employees using said rooms, including the ladies rest room of the Senate; and,

Whereas, A necessity exists for a janitress to have supervision there-

of for the benefit of the lady employees and to render service to the lady employees when necessary; and,

Whereas, Mrs. M. C. Mobley has rendered valuable service during the recent Called Sessions in the capacity of janitress of the ladies rest room and is deserving of employment in the capacity aforesaid; therefore, be it

Resolved by the Senate of Texas, That during the recess between the adjournment of this Special Session and the convening of the Regular Session in January, 1931, that the said Mrs. M. C. Mobley be and she is hereby retained as janitress of the ladies rest room and the committee rooms and that she receive for her services the sum of \$3.00 per day to be paid out of the contingent fund of the Senate.

WOODWARD,
HARDIN,
HORNSBY.

The resolution was read and adopted by the following vote:

Yeas—25.

Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Nays—3.

Berkeley.	Wirtz.
Holbrook.	

Absent—Excused.

Beck.	Witt.
Stevenson.	

House Bill No. 58.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 58, A bill to be entitled "An Act to amend Article 665, Revised Civil Statutes of 1925, relating to the authority of the State Board of Control in the supervision and control of public buildings and

grounds, and providing for the more adequate determination of the duties of the said Board of Control in the supervision and control of such public grounds and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 58 by adding to the end of Section 1a the following: "Provided that the American Legion shall not be moved from their quarters unless and until other suitable quarters are arranged for them."

McFARLANE.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 58 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.
Love.	Small.

Thomason.	Wirtz.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

House Bill No. 2.

The question recurred on the amendment to the motion to discharge the Senate members of the Free Conference Committee on H. B. No. 2.

The amendment was adopted.

Senator Love moved to reconsider the vote by which the amendment was adopted. The motion was lost by the following vote:

Yeas—8.

Berkeley.	Parrish.
Hornsby.	Small.
Love.	Thomason.
Neal.	Woodward.

Nays—18.

Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.

Absent—Excused.

Witt.
(Pairs Recorded.)

Senator Pollard (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Beck (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

The motion as amended was adopted by the following vote:

Yeas—14.

Berkeley.	McFarlane.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Small.
Hornsby.	Thomason.
Love.	Williamson.

Nays—11.

Cousins.	Hardin.
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Holbrook.
Hyer.
Martin.
Miller.
Moore.

Parr.
Russek.
Westbrook.
Wirtz.

Absent—Excused.

Witt.

Woodward.

(Pairs Recorded.)

Senator Pollard (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Beck (absent) who would vote yea.

House Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Graves of Erath:

H. B. No. 41, A bill to be entitled "An Act imposing a gross receipts tax upon certain individuals, companies, corporation or association, whether incorporated under the laws of this State or nation, engaged in publishing, printing or selling text books as used or will be used in the schools of this State, or owning, controlling or managing any such business, within the State or out of it, and having State agencies within this State for the purpose of selling any such books to be used in any of the schools of this State, requiring quarterly reports each year, under oath of the individual, president or treasurer of such company, corporation or association showing gross amount received from any such business done, etc."

Read second time.

Senator Love sent up the following amendment:

Amend H. B. No. 41 by adding immediately before Section 2 on page 10, the following new sections numbered 2 to 11, inclusive, and by re-numbering Sections 2, 3 and 4 as Section 12.

Sec. 2. That every person who owns, manages, operates, leases, or rents any pipe line or pipe lines within this State, used for transporting natural gas wholly within the State of Texas, shall, on or before the first days of January, April, July, and October of each year, pay to the State of Texas an occupation tax for

the quarter beginning on said date, an amount equal to one-half of one cent upon each and every thousand cubic feet or fraction thereof of natural gas at 10 oz. pressure, so transported wholly within this State during the quarter next preceding.

For the purpose of determining the amount of such tax, every such person shall quarterly, on the dates aforesaid, make a report to the Comptroller of Public Accounts, under oath, showing the number of cubic feet of natural gas so transported within the quarter next preceding, and showing the point of origin and the point of destination of all of said natural gas so transported by said person, and shall immediately pay to the treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to one-half of one per cent for each one thousand cubic feet of natural gas at 10 oz. pressure so transported within said quarter next preceding.

Sec. 3. That should any person subject to the occupation tax herein levied begin business on or after the beginning of a quarter, the amount of tax which such person shall pay for the first quarter immediately succeeding the quarter in which the business was begun, shall be ascertained by taking the total number of cubic feet so transported within the last quarter, dividing the same by the number of days such person was engaged in the business of transporting natural gas during said preceding quarter, multiplying the quotient by 90 and multiplying the product thereby by one cent.

Sec. 4. That each person subject to the payment of this tax shall cause to be made, kept, and preserved a full and complete record of all natural gas transported within this State by it, all of which records shall be open at all times to official inspection and examination by the Comptroller or the Attorney General, or any employee or representative of the Comptroller or Attorney General; said records may be destroyed each three years from the last entry appearing in any such records; any such person failing to keep such record or records as herein required, or failing or refusing to permit inspection and examination thereof as here-

in provided, shall forfeit to the State of Texas as penalty any sum not less than \$500.00, nor more than \$3,000.00, and each ten days of failure or refusal to keep such records or permit their examination, shall constitute a separate offense, and subject the offender to additional penalties in the same amount for each such period of failure to keep such records or permit their examination.

Sec. 5. That for the purposes of this Act, natural gas passing through gathering lines in fields for the purpose of concentrating it for transportation by the persons subject to this tax shall not be taken into consideration in computing the occupation tax imposed and hereby provided for, it being the intention of this Act that in computing the occupation tax due hereunder, the rate of one-half of one per cent per one thousand cubic feet shall be multiplied only once as to each taxpayer against each one thousand cubic feet so transported.

Sec. 6. That any person subject to the payment of the tax herein imposed, who shall fail to make any report herein required, or to pay the tax provided for herein, within thirty days after the dates herein provided for, shall pay to the State a penalty equal to ten per cent of the taxes due, and such tax and penalty shall draw interest at the rate of six per cent per annum from the date accrued until paid. The Attorney General, or any district or county attorney at the direction of the Attorney General, shall bring suit on behalf of the State to recover the amount of taxes, penalties, and interest past due and payable by any person affected by this law.

Sec. 7. That the word "person" as used in this law, shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, or other concerns by whatever name or howsoever organized, formed, or created.

Sec. 8. For the occupation tax, penalties and interest herein provided for, the State shall have a prior lien on all interest of said person in said pipe line or pipe lines.

Sec. 9. The provisions of this Act are severable and if any provision or provisions hereof shall be held

void, the decision of the court shall not affect or impair any of the remaining provisions, and it is hereby declared as the legislative intention that the provisions, sentences and phrases not declared to be illegal or void would have been enacted and adopted without the inclusion of the provisions, sentences, and/or phrases declared void and invalid.

Sec. 10. That it is not the intention of this Act to levy any tax upon any product sold to the Federal Government or any agency thereof, or to levy a tax upon interstate commerce, or to levy any tax obnoxious to or forbidden by the Constitution of the United States, or of the State of Texas.

Sec. 11. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

LOVE,
MOORE.

The amendment was read in part.

Senator Martin raised the point of order that the amendment was not germane.

The Chair, President Pro Tem Williamson, overruled the point of order.

Senator Small moved to table the amendment. The motion prevailed by the following vote:

Yeas—19.

Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
Miller.	Woodul.
Parr.	

Nays—7.

Berkeley.	McFarlane.
DeBerry.	Parrish.
Hornsby.	Woodward.
Love.	

Present—Not Voting.

Neal.

Absent—Excused.

Beck.

Witt.

Stevenson.

(Pairs Recorded.)

Senator Moore (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

The bill passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 41 was put on its third reading and final passage by the following vote:

Yeas—29.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Beck.	Witt.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—1.

Hyer.	
	Absent—Excused.
Stevenson.	Witt.

Free Conference Report.

Senator Neal sent up the following free conference report:

Committee Room,

Austin, Texas, March 19, 1930.

Hon. Barry Miller, President of the Senate.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Conference Com-

mittee heretofore appointed by your respective bodies to adjust the differences between the House and Senate on

S. B. No. 30, A bill to be entitled "An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal census of 1920, and for all consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report that we have reached an agreement as to said bill as follows:

By accepting the following House amendments:

"Amend Section 3 by inserting the word "The" in lieu of the word "such" before the word consolidation in line 2, page 2."

"Amend S. B. No. 30 by substituting the year 1931 for the year 1930 wherever they occur, and amend the caption accordingly."

Your committee has also agreed that wherever 1931 appears in the bill 1932 shall be inserted in lieu thereof.

We have also agreed on the following amendment:

Amend S. B. No. 30 by adding a new sentence after the word "years" in line 17, page 4, Section 5, of the bill, to read as follows:

"That in all counties of the State having a city with a population of not less than 44,000 and not more than 45,000, according to the 1920 Federal census, the people residing in the school districts referred to in this section shall have and retain the right of referendum, so as to determine whether or not said district or districts shall come within or be affected by the provisions of this law; said referendum to be initiated by petition of 25% of the voters residing in the district or districts affected."

Respectfully submitted,

On the part of the House.

HOLDER,
BARNETT,

JUSTISS,
SHAVER,
MOORE,

On the part of the Senate.

NEAL,
GREER,
POLLARD,
BECK,
LOVE,

Read and adopted.

House Bill No. 47.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Farrar and Mr. Storey:

H. B. No. 47, A bill to be entitled "An Act making it unlawful for any practicing lawyer to become surety upon the bail bond of any person charged with crime and held in custody within this State, when such lawyer is representing the person charged for pay; and requiring the sheriff or other officers having in custody such person so charged, and required to pass upon such bonds for approval or disapproval to disapprove any bail bond so signed, and to make inquiry as to any bail bond signed by any attorney to determine whether it should be disapproved hereunder."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 47 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson. Witt.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson. Witt.

House Bill No. 154.

The Chair laid before the Senate the following bill:

H. B. No. 154, A bill to be entitled "An Act to amend Section Six (6) of Chapter 21, of 'An Act to amend Article 3221 of Chapter 3, Title 51, of the Revised Civil Statutes of Texas of 1925, so as to change the name of the Deaf, Dumb and Blind Asylum for Colored Youths to the Deaf, Dumb and Blind Asylum for Colored Youths and Colored Orphans; authorizing the State Board of Control to adopt rules and regulations for the admission, government and discharge of orphan applicants to said institutions,' and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 154 was put on its second reading by the following vote:

Yeas—29.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Neal.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Woodul.
Russek.	Woodward.
Small.	Woodward.
Thomason.	

Absent—Excused.

Stevenson.	Witt.
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The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 154 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson.	Witt.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson.	Witt.
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House Bill No. 111.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harman:

H. B. No. 111, A bill to be entitled "An Act amending Section 17, Article 7065n, subdivision 3, House Bill No. 6, Chapter 88, Second Called Session of the Forty-first Legislature, providing for the application for refund when claimant purchases or acquires for use gasoline upon which a refund may be due, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 111 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson.	Witt.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Thomason.

Westbrook. Woodul.
Williamson. Woodward.
Wirtz.

Absent—Excused.

Stevenson. Witt.

House Bill No. 88.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bond:

H. B. No. 88, A bill to be entitled "An Act amending Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas of 1927 relating to administrative judicial districts, by providing that the State shall be divided into nine administrative judicial districts, providing for the appointment and election of presiding judges; prescribing their qualifications, duties and powers, and providing for the expenses, salaries incident to the administration thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

On motion of Senator Holbrook the bill was laid on the table subject to call.

S. C. R. No. 10.

Senator Love called up from the table

S. C. R. No. 10, relating to a committee relative to taxing natural resources.

Senator Moore moved to table the pending amendment. The motion prevailed.

The resolution was adopted by the following vote:

Yeas—13.

Berkeley.	Parrish.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hyer.	Westbrook.
Love.	Woodul.
Moore.	

Nays—11.

Beck.	Miller.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Wirtz.
Hernsby.	Woodward.
McFarlane.	

Present—Not Voting.

Williamson.

Absent.

Greer.	Russek.
Martin.	Small.

Absent—Excused.

Stevenson. Witt.

Reason for Vote.

On S. C. R. No. 10 I voted nay for the following reasons:

The Fortieth Legislature created such a committee and spent thousands of dollars and came back with a bunch of generalities and I am not for incurring more expenses for a committee of the sort. If I knew the personnel of the committee and was satisfied with same I would have supported the resolution. If this committee is composed of a majority of men who are against taxing of natural resources they will utilize State money to gather data to defeat these bills. I am highly in favor of taxing some of the natural resources of this State more heavily than they are now taxed.

DeBERRY.

Bill Signed.

The Chair, President Pro Tem Williamson, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 31.

House Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope of Jones:

H. B. No. 67, A bill to be entitled "An Act authorizing the commissioners' court of Shackelford County to pay bounties on wolf scalps in Shackelford County to preserve game in said county; enacting the necessary regulations in reference thereto, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson. Witt.

Read third time and finally passed by the follownig vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Stevenson. Witt.

House Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Metcalfe:

H. B. No. 69, A bill to be entitled "An Act amending Section 1 of Chapter 27, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 89 of the Fourth Called Session, Acts Forty-first Legislature, and declaring an emergency."

The committee report was adopted. The bill was read second time.

On motion of Senator Berkeley the bill was indefinitely postponed.

H. C. R. No. 8.

Senator McFarlane called up from the table

H. C. R. No. 8, relating to medals for members of the National Guard.

The resolution was read.

On motion of Senator Holbrook the resolution was laid on the table subject to call.

House Bill No. 109.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tillotson:

H. B. No. 109, A bill to be entitled "An Act to provide a special county road law for Austin County, Texas; declaring county commissioners shall be ex-officio road supervisors of their respective precincts and, subject to the direction of the commissioners' court, have charge of all road equipment for the building and maintenance of roads in their respective precincts; and defining the authority and duties of said commissioners as road supervisors; requiring bond of such commissioners as road supervisors; and requiring the keeping of certain accounts; providing for the purchase of material and supplies necessary in the discharge of the duties imposed, and for the employment of necessary labor; and providing that this Act, etc."

The committee report was adopted. The bill was read second time.

Free Conference Requested.

Senator Pollard moved not to concur in the House amendment to S. B. No. 84 and asked for a Free Conference Committee. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Pollard, Woodul, Patton, DeBerry, Wirtz.

Adjournment.

Senator Westbrook moved to adjourn until 10 o'clock tomorrow morning.

Senator Greer moved to recess until 8 o'clock tonight.

The motion to adjourn prevailed by the following vote:

Yeas—16.

Cousins.	Moore.
Cunningham.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Small.
Hyer.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.

Nays—9.

Beck.	Love.
Berkeley.	Neal.
DeBerry.	Thomason.
Gainer.	Woodul.
Greer.	

Absent.

Martin.	Russek.
Pollard.	Woodward.

Absent—Excused.

Stevenson.	Witt.
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At 6:02 o'clock the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 57 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 84 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 54 carefully examined and compared and find the same correctly enrolled, and have this day at 10:50 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 94 carefully examined and compared and find the same correctly enrolled, and have this day at 10:50 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 92 carefully examined and compared and find the same correctly enrolled, and have this day at 10:50 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 87 carefully examined and compared and find the same correctly enrolled, and have this day at 10:50 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 96 carefully examined and compared and find the same correctly enrolled, and have this day at 10:50 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 31 carefully examined and compared and find the same correctly enrolled, and have this day at 3:45 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 17, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

S. R. No. 2, "Resolved, That the rules of the Senate are hereby amended by adding Rule 71a as follows:

Rule 71a. All conference committees of the Senate shall reflect the majority sentiment on the matters at issue, and the minority of the Senate shall be given proportionate representation thereon, as nearly as may be."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not be adopted.

HARDIN, Chairman.

Committee Room,
Austin, Texas, March 17, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

H. C. R. No. 12, "Resolved by the House of Representatives, Senate concurring, that a committee of five be appointed, three from the House of Representatives, two from the Senate, to revise the rules of the House of Representatives and the Senate."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted with committee amendment.

HARDIN, Chairman.

Committee Room,
Austin, Texas, March 19, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 154, A bill to be entitled "An Act to amend Section 6 of Chapter 21 of the General Laws of the Third Called Session of the Forty-first Legislature, so as to provide that nothing in said Act shall be construed so as to require the real estate named therein to be deeded to the State of Texas before the appropriation therein can be used; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

S. R. No. 24, "Amend Rule 70 by adding to the end thereof the following:

(37) A Committee on Legislative Representation.

The Committee on Legislative Representation shall have the power to send for persons and papers and to summon and examine witnesses under oath, and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by a Senator for the purpose of ascertaining and informing the Senate of the facts pertinent to the employment or compensation or service or methods of conduct of any legislative representative, agent or attorney, or any person, firm or corporation, to influence legislation, including any contributions heretofore made by any such representative, agent or attorney, or by any person, firm or corporation represented by them, to campaign funds in this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not be adopted.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 19, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 100, A bill to be entitled
"An Act amending House Bill No. 87,

Fourth Called Session, Forty-first Legislature, so as to include Marion County; providing size limits for bass and crappie caught in these counties; providing a possession limit for bass and crappie in these counties; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

In Memory
of
Honorable K. M. Van Zandt

SIMPLE RESOLUTION NO. 32.

Senator Hyer sent up the following resolution:

WHEREAS, For more than sixty years Major K. M. Van Zandt was an outstanding citizen of Texas. In 1873, more than half a century ago, he was elected a Senator of the State of Texas from the Fort Worth district, and as one of his first official acts, compelled Edmund J. Davis, who sought to usurp the functions of the Governor's office, even after his overwhelming defeat by the people at the polls, to surrender that office, upon which Richard Coke was inaugurated as Governor. This was the extent of his official career, although many times importuned to accept high official station; and

WHEREAS, At all times his spotless life was an illustrious one and a shining example of patriotic public service, and he possessed throughout a long business life an unblemished reputation for honorable conduct and, as President of one of the leading and largest banking institutions of the State, he achieved a high success; and

WHEREAS, He was a brave and gallant Southern soldier and for many years Commander-in-Chief of the Confederate Veterans and as such, no man did more to heal the wounds of the conflict in which thousands of his comrades gave their lives, and after which, he and those who survived came back to their desolated homes and on the ruins they found they erected homes and builded cities and established a new civilization which has attracted the wonder and admiration of the world; therefore, be it

RESOLVED, by the Senate of the State of Texas, That in the death of K. M. Van Zandt the State has sustained a loss irreparable, his home city its first and leading citizen; be it further

RESOLVED That a page of the Journal of the Senate be set apart on which these resolutions shall be inscribed and that a copy be forwarded by the Secretary to the family of the deceased; be it further

RESOLVED, That when the Senate adjourns today it do so out of respect to his memory.

HYER.

Read and adopted unanimously by a rising vote.